

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)	MDL No. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION)	CIVIL ACTION: 01-CV-12257-PBS
)	
THIS DOCUMENT RELATES TO ALL)	Judge Patti B. Saris
CLASS ACTIONS)	
)	

**PLAINTIFFS' NOTICE OF WITHDRAWAL OF PLAINTIFFS' MOTION TO COMPEL
PRODUCTION BY BAXTER WITHOUT PREJUDICE**

Plaintiffs respectfully notify this Court that they have withdrawn Plaintiffs' Motion To Compel Production By Baxter without prejudice. Since the filing of Plaintiffs' Motion To Compel on November 8, 2005, Plaintiffs and Baxter have conferred regarding the documents that Baxter has not yet produced in this matter and the depositions that will need to be taken once the documents are produced. As a result of that meet and confer process, the parties agreed to an extension of the Track II discovery schedule with respect to Baxter and filed Plaintiffs' and Defendant Baxter's Joint Agreed Motion for Extension to Track II Discovery Schedule with Respect to Baxter on November 22, 2005. Plaintiffs also agreed to withdraw their pending Motion To Compel. However, Plaintiffs and Baxter have agreed that Plaintiffs' withdrawal of the Motion To Compel is without prejudice to re-file.

DATED: November 22, 2005

By /s/ Elizabeth A. Fegan

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CERTIFICATE OF SERVICE

I hereby certify that I, Elizabeth A. Fegan, an attorney, caused a true and correct copy of the foregoing **PLAINTIFFS' NOTICE OF WITHDRAWAL OF PLAINTIFFS' MOTION TO COMPEL PRODUCTION BY BAXTER** to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on November 22, 2005, a copy to LexisNexis File & Serve for posting and notification to all parties.

By /s/ Elizabeth A. Fegan